IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REALTIME DATA LLC d/b/a IXO, Plaintiff, v. ARRAY NETWORKS INC., Defendant.	C.A. No. _____ **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT
AGAINST ARRAY NETWORKS INC.

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff Realtime Data LLC d/b/a IXO ("Plaintiff," "Realtime," or "IXO") makes the following allegations against Defendant Array Networks Inc. ("Array"):

PARTIES

1. Realtime is a limited liability company organized under the laws of the State of New York. Realtime has a principal place of business at 66 Palmer Avenue, Suite 27, Bronxville, NY 10708. Since the 1990s, Realtime has researched and developed specific solutions for data compression, including, for example, those that increase the speeds at which data can be stored and accessed. As recognition of its innovations rooted in this technological field, Realtime holds 47 United States patents and has numerous pending patent applications. Realtime has licensed patents in this portfolio to many of the world's leading technology companies. The patents-in-suit relate to Realtime's development of advanced systems and methods for fast and efficient data compression using numerous innovative compression techniques based on, for

example, particular attributes of the data.

2. On information and belief, Defendant Array Inc. ("Array") is a Delaware corporation with its principal place of business at 1371 McCarthy Blvd, Milpitas, CA 95035. On information and belief, Array can be served through its registered agent, Incorporating Services, Ltd., 3500 S DuPont Hwy, Dover, DE 19901.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant Array in this action because Array has committed acts within the District of Delaware giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Array would not offend traditional notions of fair play and substantial justice. Array, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5. Venue is proper in this district under 28 U.S.C. § 1400(b). Array is incorporated in Delaware, and resides in this District. Upon information and belief, Array has transacted business in the District of Delaware, has committed acts of direct and indirect infringement in the District of Delaware, and has a regular and established place of business in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,054,728

6. Plaintiff realleges and incorporates by reference paragraphs 1-5 above, as

if fully set forth herein.

7. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,054,728 ("the '728 Patent") entitled "Data compression systems and methods." The '728 Patent was duly and legally issued by the United States Patent and Trademark Office on June 9, 2015. A true and correct copy of the '728 Patent is included as Exhibit A.

8. On information and belief, Array has offered for sale, sold and/or imported into the United States Array products that infringe the '728 Patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Array's products and services, e.g., aCelera WAN Optimization Controllers, aCelera VA Virtual WAN Optimization Controllers, aCelera cloud version, and all versions and variations thereof since the issuance of the '728 Patent ("Accused Instrumentality").

9. On information and belief, Array has directly infringed and continues to infringe the '728 Patent, for example, through its own use and testing of the Accused Instrumentality, which constitute systems for compressing data claimed by Claim 1 of the '728 Patent, comprising a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent

data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Upon information and belief, Array uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Array's customers.

10. On information and belief, Array has had knowledge of the '728 Patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Array knew of the '728 Patent and knew of its infringement, including by way of this lawsuit.

11. Array's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentality has induced and continues to induce users of the Accused Instrumentality to use the Accused Instrumentality in its normal and customary way on compatible systems to infringe the '728 Patent, knowing that when the Accused Instrumentality is used in its ordinary and customary manner with such compatible systems, such systems constitute infringing systems for compressing data comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content

dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. For example, Array explains to customers the benefits of using the Accused Instrumentality: "Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user. … **Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the

protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content." *See* https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us. Array specifically intended and was aware that the normal and customary use of the Accused Instrumentality on compatible systems would infringe the '728 Patent. Array performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '728 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Array engaged in such inducement to promote the sales of the Accused Instrumentality, *e.g.*, through Array's user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '728 Patent. Accordingly, Array has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '728 Patent, knowing that such use of the Accused Instrumentality with compatible systems will result in infringement of the '728 Patent.

12. Array also indirectly infringes the '728 Patent by manufacturing, using, selling, offering for sale, and/or importing the accused products, with knowledge that the accused products were and are especially manufactured and/or especially adapted for use in infringing the '728 Patent and are not a staple article or commodity of commerce suitable for substantial non-infringing use. On information and belief, the Accused Instrumentality is designed to function with compatible hardware to create systems for

compressing data comprising; a processor; one or more content dependent data compression encoders; and a single data compression encoder; wherein the processor is configured: to analyze data within a data block to identify one or more parameters or attributes of the data wherein the analyzing of the data within the data block to identify the one or more parameters or attributes of the data excludes analyzing based solely on a descriptor that is indicative of the one or more parameters or attributes of the data within the data block; to perform content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified; and to perform data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. Because the Accused Instrumentality is designed to operate as the claimed system for compressing input data, the Accused Instrumentality has no substantial non-infringing uses, and any other uses would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. Array's manufacture, use, sale, offering for sale, and/or importation of the Accused Instrumentality constitutes contributory infringement of the '728 Patent.

13. The Accused Instrumentality is a system for compressing data, comprising a processor. For example, the physical appliance versions of the Accused Instrumentality must contain a processor, and the virtual appliance versions of the Accused Instrumentality must run on hardware containing a processor running the hypervisor on which the virtual appliance versions run. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us

("Physical appliances supporting from 10Mbps to 1Gbps and up to 100,000 concurrent TCP connections. Virtual appliances supporting up to 1Gbps and 64,000 concurrent TCP connections.").

14. The Accused Instrumentality is a system for compressing data, comprising one or more content dependent data compression encoders. For example, the Accused Instrumentality performs deduplication, which is a content dependent data compression encoder. Performing deduplication results in representation of data with fewer bits. *See, e.g.*,

https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us

("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP,

TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

15. The Accused Instrumentality comprises a single data compression encoder. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

16. The Accused Instrumentality analyzes data within a data block to identify one or more parameters or attributes of the data, for example, whether the data is duplicative of data previously transmitted and/or stored, where the analysis does not rely only on the descriptor. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us

("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

17. The Accused Instrumentality performs content dependent data compression with the one or more content dependent data compression encoders if the one or more parameters or attributes of the data are identified. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us

("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and

enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

18. The Accused Instrumentality performs data compression with the single data compression encoder, if the one or more parameters or attributes of the data are not identified. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area

networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).")

19. Array also infringes other claims of the '728 Patent, directly and through inducing infringement and contributory infringement, for similar reasons as explained above with respect to Claim 1 of the '728 Patent.

20. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentality, and touting the benefits of using the Accused Instrumentality's compression features, Array has injured Realtime and is liable to Realtime for infringement of the '728 Patent pursuant to 35 U.S.C. § 271.

21. As a result of Array's infringement of the '728 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Array's infringement, but in no event less than a reasonable royalty for the use made of the invention by Array, together with interest and costs as fixed by the Court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,415,530

22. Plaintiff realleges and incorporates by reference paragraphs 1-21 above, as if fully set forth herein.

23. Plaintiff Realtime is the owner by assignment of United States Patent No. 7,415,530 ("the '530 Patent") entitled "System and methods for accelerated data storage and retrieval." The '530 Patent was duly and legally issued by the United States Patent and Trademark Office on August 19, 2008. A true and correct copy of the '530 Patent is

included as Exhibit B.

24. On information and belief, Array has offered for sale, sold and/or imported into the United States Array products that infringe the ’530 Patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Array’s products and services, e.g., aCelera WAN Optimization Controllers, aCelera VA Virtual WAN Optimization Controllers, aCelera cloud version, and all versions and variations thereof since the issuance of the ‘530 patent (“Accused Instrumentality”).

25. On information and belief, Array has directly infringed and continues to infringe the ’530 Patent, for example, through its own use and testing of the Accused Instrumentality, which constitutes a system comprising: a memory device; and a data accelerator, wherein said data accelerator is coupled to said memory device, a data stream is received by said data accelerator in received form, said data stream includes a first data block and a second data block, said data stream is compressed by said data accelerator to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique, said first and second compression techniques are different, said compressed data stream is stored on said memory device, said compression and storage occurs faster than said data stream is able to be stored on said memory device in said received form, a first data descriptor is stored on said memory device indicative of said first compression technique, and said first descriptor is utilized to decompress the portion of said compressed data stream associated with said first data block. Upon information and belief, Array uses the Accused Instrumentality, an infringing system, for its own internal non-testing business

purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Array's customers.

26. On information and belief, Array has had knowledge of the '530 Patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Array knew of the '530 Patent and knew of its infringement, including by way of this lawsuit.

27. Upon information and belief, Array's affirmative acts of making, using, and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 1 of the '530 Patent by making or using a system comprising: a memory device; and a data accelerator, wherein said data accelerator is coupled to said memory device, a data stream is received by said data accelerator in received form, said data stream includes a first data block and a second data block, said data stream is compressed by said data accelerator to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique, said first and second compression techniques are different, said compressed data stream is stored on said memory device, said compression and storage occurs faster than said data stream is able to be stored on said memory device in said received form, a first data descriptor is stored on said memory device indicative of said first compression technique, and said first descriptor is utilized to decompress the portion of said compressed data stream associated with said first data block. For example, Array explains to customers the benefits of using the Accused Instrumentality:

"Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user. … **Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content." *See* https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us. For

similar reasons, Array also induces its customers to use the Accused Instrumentalities to infringe other claims of the '530 Patent. Array specifically intended and was aware that these normal and customary activities would infringe the '530 Patent. Array performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '530 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Array engaged in such inducement to promote the sales of the Accused Instrumentalities. Accordingly, Array has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '530 Patent, knowing that such use constitutes infringement of the '530 Patent.

28. The Accused Instrumentality evidently includes the memory device and includes the data accelerator, wherein said data accelerator is coupled to said memory device. For example, the physical appliance versions of the Accused Instrumentality must contain a memory device, and the virtual appliance versions of the Accused Instrumentality must run on hardware containing a memory device running the hypervisor on which the virtual appliance versions run. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Physical appliances supporting from 10Mbps to 1Gbps and up to 100,000 concurrent TCP connections. Virtual appliances supporting up to 1Gbps and 64,000 concurrent TCP connections.").

29. The Accused Instrumentality receives an incoming stream of data. *See,*

e.g.,

https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us

("stream-based differencing enables continuous identification and analysis of larger streams of data in sequential order. Stream-based differencing facilitates the compression, organization and differencing of all data types as part of an overall data reduction and optimization process.").

30. The Accused Instrumentality's received data stream will evidently consist of more than one data block. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("stream-based differencing enables continuous identification and analysis of larger streams of data in sequential order. Stream-based differencing facilitates the compression, organization and differencing of all data types as part of an overall data reduction and optimization process.").

31. The Accused Instrumentality compresses said data stream to provide a compressed data stream by compressing said first data block with a first compression technique and said second data block with a second compression technique. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and

enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

32. The first (deduplication) and second (compression) compression techniques used by the Accused Instrumentality described above are necessarily different. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store

also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

33. After compression, said compressed data stream is stored on said memory device. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple

copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. The history store scales linearly with memory, and storage space adjustments are easy to implement both on physical appliances and in virtual environments. Single instance store allows aCelera to scale to support the needs of large deployments while maintaining high levels of performance, and is critical to supporting individual users without over-utilizing data stores in the data center or cloud. Single instance store also enables peak performance for complex environments such as meshed networks.").

34. Said compression and storage occurs faster than said data stream is able to be stored on said memory device in said received form. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user.").

35. The Accused Instrumentality would evidently store a first data descriptor on said memory device indicative of said first compression technique, such as a pointer to

a deduplicated data block, and utilize said first descriptor to decompress the portion of said compressed data stream associated with said first data block. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication**: aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

36. On information and belief, Array also infringes, directly and through induced infringement, and continues to infringe other claims of the '530 Patent, for similar reasons as explained above with respect to Claim 1 of the '530 Patent.

37. On information and belief, use of the Accused Instrumentality in its

ordinary and customary fashion results in infringement of the methods claimed by the ’530 Patent.

38. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities’ compression features, Array has injured Realtime and is liable to Realtime for infringement of the ’530 Patent pursuant to 35 U.S.C. § 271.

39. As a result of Array’s infringement of the ’530 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Array’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Array, together with interest and costs as fixed by the Court.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 9,116,908

40. Plaintiff Realtime realleges and incorporates by reference paragraphs 1-39 above, as if fully set forth herein.

41. Plaintiff Realtime is the owner by assignment of United States Patent No. 9,116,908 (“the ’908 Patent”) entitled “System and methods for accelerated data storage and retrieval.” The ’908 Patent was duly and legally issued by the United States Patent and Trademark Office on August 25, 2015. A true and correct copy of the ’908 Patent is included as Exhibit C.

42. On information and belief, Array has offered for sale, sold and/or imported into the United States Array products that infringe the ‘908 patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Array’s products and services, e.g., aCelera WAN Optimization Controllers, aCelera VA Virtual WAN Optimization Controllers, aCelera cloud version,

and all versions and variations thereof since the issuance of the ’908 patent (“Accused Instrumentality”).

43. On information and belief, Array has directly infringed and continues to infringe the ’908 patent, for example, through its own use and testing of the Accused Instrumentality, which constitutes a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. Upon information and belief, Array uses the Accused Instrumentality, an infringing system, for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Array’s customers.

44. On information and belief, use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the systems claimed by the ‘908 patent.

45. On information and belief, Array has had knowledge of the ’908 patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Array knew of the ’908 patent and knew of its infringement, including by way of this lawsuit.

46. Upon information and belief, Array’s affirmative acts of making, using,

and selling the Accused Instrumentalities, and providing implementation services and technical support to users of the Accused Instrumentalities, have induced and continue to induce users of the Accused Instrumentalities to use them in their normal and customary way to infringe Claim 1 of the '908 patent by making or using a system comprising: a memory device; and a data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block; wherein the compressed first and second data blocks are stored on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. For example, Array explains to customers the benefits of using the Accused Instrumentality: "Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user. … **Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. …

Compression: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content." *See* https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us. For similar reasons, Array also induces its customers to use the Accused Instrumentalities to infringe other claims of the '908 patent. Array specifically intended and was aware that these normal and customary activities would infringe the '908 patent. Array performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '908 patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Array engaged in such inducement to promote the sales of the Accused Instrumentalities. Accordingly, Array has induced and continues to induce users of the accused products to use the accused products in their ordinary and customary way to infringe the '908 patent, knowing that such use constitutes infringement of the '908 patent.

47. The Accused Instrumentality evidently includes a memory device and a

data accelerator configured to compress: (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block. For example, the physical appliance versions of the Accused Instrumentality must contain a memory device, and the virtual appliance versions of the Accused Instrumentality must run on hardware containing a memory device running the hypervisor on which the virtual appliance versions run. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Physical appliances supporting from 10Mbps to 1Gbps and up to 100,000 concurrent TCP connections. Virtual appliances supporting up to 1Gbps and 64,000 concurrent TCP connections."). The Accused Instrumentality compresses (i) a first data block with a first compression technique to provide a first compressed data block; and (ii) a second data block with a second compression technique, different from the first compression technique, to provide a second compressed data block.). *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application

acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

48. The Accused Instrumentality stores the compressed first and second data blocks on the memory device, and the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or

increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user. … Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. The history store scales linearly with memory, and storage space adjustments are easy to implement both on physical appliances and in virtual environments. Single instance store allows aCelera to scale to support the needs of large deployments while maintaining high levels of performance, and is critical to supporting individual users without over-utilizing data stores in the data center or cloud. Single instance store also enables peak performance for complex environments such as meshed networks.").

49. On information and belief, Array also infringes, directly and through induced infringement, and continues to infringe other claims of the '908 patent, for similar reasons as explained above with respect to Claim 1 of the '908 patent.

50. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Array has injured Realtime and is liable to Realtime for infringement of the '908 patent pursuant to 35 U.S.C. § 271.

51. As a result of Array's infringement of the '908 patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Array's

infringement, but in no event less than a reasonable royalty for the use made of the invention by Array, together with interest and costs as fixed by the Court.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 8,717,204

52. Plaintiff realleges and incorporates by reference paragraphs 1-51 above, as if fully set forth herein.

53. Plaintiff Realtime is the owner by assignment of United States Patent No. 8,717,204 (the "'204 Patent") entitled "Methods for encoding and decoding data." The '204 Patent was duly and legally issued by the United States Patent and Trademark Office on May 6, 2014. A true and correct copy of the '204 Patent is included as Exhibit D.

54. On information and belief, Array has offered for sale, sold and/or imported into the United States Array products that infringe the '204 Patent, and continues to do so. By way of illustrative example, these infringing products include, without limitation, Array's products and services, e.g., aCelera WAN Optimization Controllers, aCelera VA Virtual WAN Optimization Controllers, aCelera cloud version, and all versions and variations thereof since the issuance of the '204 Patent ("Accused Instrumentality").

55. On information and belief, Array has directly infringed and continues to infringe the '204 Patent, for example, through its own use and testing of the accused products to practice compression methods claimed by the '204 Patent, including a method for processing data, the data residing in data fields, comprising: recognizing any characteristic, attribute, or parameter of the data; selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data; compressing the data with

the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1; and point-to-point transmitting the compressed data to a client; wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. On information and belief, Array uses the Accused Instrumentality in its ordinary and customary fashion for its own internal non-testing business purposes, while testing the Accused Instrumentality, and while providing technical support and repair services for the Accused Instrumentality to Array's customers, and use of the Accused Instrumentality in its ordinary and customary fashion results in infringement of the methods claimed by the '204 Patent.

56. On information and belief, Array has had knowledge of the '204 Patent since at least the filing of this Complaint or shortly thereafter, and on information and belief, Array knew of the '204 Patent and knew of its infringement, including by way of this lawsuit.

57. Array's affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentality have induced and continue to induce users of the Accused Instrumentality to use the Accused Instrumentality in its normal and customary way to infringe the '204 Patent by practicing compression methods claimed by the '204 Patent, including a method for processing data, the data residing in data fields, comprising: recognizing any characteristic, attribute, or parameter of the data; selecting an encoder associated with the recognized characteristic, attribute, or parameter of the data; compressing the data with the selected encoder utilizing at least one state machine to provide compressed data having a compression ratio of over 4:1; and point-to-point

transmitting the compressed data to a client; wherein the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. For example, Array explains to customers the benefits of using the Accused Instrumentality: "Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user. … **Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history

based on pure content." *See* https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us. Array specifically intended and was aware that the normal and customary use of the Accused Instrumentality on compatible systems would infringe the '204 Patent. Array performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '204 Patent and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Array engaged in such inducement to promote the sales of the Accused Instrumentality, *e.g.*, through Array's user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '204 Patent. Accordingly, Array has induced and continues to induce end users of the accused products to use the accused products in their ordinary and customary way with compatible systems to make and/or use systems infringing the '204 Patent, knowing that such use of the Accused Instrumentality with compatible systems will result in infringement of the '204 Patent.

58. The Accused Instrumentality practices a method for processing data, the data residing in data fields. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Compression**: Compression provides an ideal balance between data reduction and maximized throughput by performing compression on the first pass of data and then leveraging application acceleration blueprints to deliver content-aware de-duplication that

separates encapsulation from the payload to prevent long-term performance degradation. **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content.").

59. The Accused Instrumentality recognizes any characteristic, attribute, or parameter of the data. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP,

TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

60. The Accused Instrumentality selects an encoder associated with the recognized characteristic, attribute, or parameter of the data. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

61. Upon information and belief, the Accused Instrumentality compresses the data with the selected encoder utilizing at least one state machine to provide compressed

data having a compression ratio of over 4:1. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("**Single Instance Store**: Single instance store provides a scalable resource to implement data differencing so that unchanged data is not sent over the network twice. The store also prevents multiple copies of the same data from being stored and maintained and enables predictive preloading based on usage patterns. … **Content-Aware De-Duplication:** aCelera content-aware de-duplication goes beyond that of other WAN optimization vendors. As data streams are processed, aCelera segments and builds histories and distinguishes the protocol used to transfer the content. By stripping off both TCP/IP and protocol encapsulation, aCelera creates a clean history based on pure content."); https://www.arraynetworks.com/ufiles/Library/pr-2016-06-02.pdf ("Array aCelera speeds data transfers and reduces application response times over wide area networks by reducing the amount of traffic transmitted between remote offices, remote users, data centers and clouds. Supporting up to 1Gbps throughput, Array WAN optimization controllers include functionality such as compression, deduplication, HTTP, TCP, Common Intern File System (CIFS), Messaging APO (MAPI), Citrix Independent Computing Architecture (ICA), traffic shaping and quality of service (QoS).").

62. The Accused Instrumentality point-to-point transmits the compressed data to a client. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Moreover, by enabling encryption, accelerated traffic can be transmitted over SSL

connections to ensure security for traffic sent between aCelera appliances").

63. In the Accused Instrumentality, the compressing and the transmitting occur over a period of time which is less than a time to transmit the data in an uncompressed form. *See, e.g.*, https://webcache.googleusercontent.com/search?q=cache:Uag7ICcaJ7oJ:https://www.arraynetworks.com/ufiles/resources/DS-aCelera.pdf+&cd=2&hl=en&ct=clnk&gl=us ("Available on high-performance Array appliances or as software for cloud and virtualized environments, aCelera™ accelerates the transfer of data and improves the performance of business-critical applications across wide area networks. In addition, aCelera greatly improves bandwidth utilization, allowing businesses to reduce costs or increase ROI by doing more with less. Leveraging stream-based differencing, application blueprints, single instance store, traffic prioritization and network, application and TCP optimizations, aCelera physical and virtual appliances and software clients cost-effectively deliver LAN-like performance between any cloud, data center, branch or user.").

64. On information and belief, Array also infringes, directly and through induced infringement, and continues to infringe other claims of the '204 Patent, for similar reasons as explained above with respect to Claim 1 of the '204 Patent.

65. By making, using, offering for sale, selling and/or importing into the United States the Accused Instrumentalities, and touting the benefits of using the Accused Instrumentalities' compression features, Array has injured Realtime and is liable to Realtime for infringement of the '204 Patent pursuant to 35 U.S.C. § 271.

66. As a result of Array's infringement of the '204 Patent, Plaintiff Realtime is entitled to monetary damages in an amount adequate to compensate for Array's infringement, but in no event less than a reasonable royalty for the use made of the invention by Array, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Realtime respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Array has infringed, either literally and/or under the doctrine of equivalents, the '728 Patent, the '530 Patent, the '908 Patent, and the '204 Patent;

b. A permanent injunction prohibiting Array from further acts of infringement of the '728 Patent, the '530 Patent, the '908 Patent, and the '204 Patent;

c. A judgment and order requiring Array to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of the '728 Patent, the '530 Patent, the '908 Patent, and the '204 Patent; and

d. A judgment and order requiring Array to provide an accounting and to pay supplemental damages to Realtime, including without limitation, prejudgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendants; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

June 21, 2017

OF COUNSEL:

Marc A. Fenster
Reza Mirzaie
Brian D. Ledahl
C. Jay Chung
Philip X. Wang
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
mfenster@raklaw.com
rmirzaie@raklaw.com
bledahl@raklaw.com
jchung@raklaw.com
pwang@raklaw.com

BAYARD, P.A.

/s/ Stephen B. Brauerman

Stephen B. Brauerman (No. 4952)
Sara E. Bussiere (No. 5725)
222 Delaware Avenue, Suite 900
Wilmington, DE 19801
(302) 655-5000
sbrauerman@bayardlaw.com
sbussiere@bayardlaw.com

Attorneys for Plaintiff Realtime Data LLC d/b/a IXO